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**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

July 18, 2013

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Dr. Kathryn Sullivan  
Acting Undersecretary for Oceans and Atmosphere  
National Oceanic and Atmospheric Administration  
U.S. Department of Commerce  
1401 Constitution Avenue, NW  
Room 5128  
Washington, DC 20230

Dear Acting Undersecretary Sullivan:

The Committee on Natural Resources (“Committee”) is conducting oversight of the Obama Administration’s development and implementation of its National Ocean Policy, which includes activities to develop ocean and coastal zoning plans, to regulate commercial and agricultural activities even in areas far removed from the coast, and to exclude local stakeholders from management decisions.

The National Oceanic and Atmospheric Administration (“NOAA”) is one of more than 20 Federal agencies and departments that make up the National Ocean Council, which is responsible for implementing the National Ocean Policy. The National Ocean Council’s final implementation plan, released on April 16, 2013, directs agencies to take more than 200 actions between 2013 and 2017 to implement the National Ocean Policy. The cost of implementing the policy to tax payers and impacts on recreational and commercial users of the oceans and coastal areas, as well as on-land activities, is unknown.

According to the implementation plan, NOAA will be responsible for 130 actions. The implementation plan, however, does not specify what specific regulatory actions, new policies, and legal authorities NOAA is considering to implement the policy. NOAA is also responsible for providing support to the Northeast Regional Planning Body established under the National Ocean Policy.

The Committee’s jurisdiction includes matters affecting fisheries and wildlife, marine affairs including coastal zone management, and oceanography and other matters affected by the National Ocean Policy.

In order for the Committee to better understand the activities, authorities, and costs associated with implementing the National Ocean Policy, it is requested that NOAA provide the following complete and unredacted documents and information no later than August 8, 2013:

- 1) Please provide copies of all emails and other documents created, received or otherwise in the possession of the NOAA concerning meetings, agendas, briefing materials, and minutes for the National Ocean Council and/or the Governance Coordinating Committee;
- 2) Copies of any drafts, edits, or comments to the draft and final National Ocean Policy implementation plans created, received or otherwise in the possession of the NOAA;
- 3) Copies of all FY 2013 and FY 2014 budget submissions provided by NOAA to the Office of Management and Budget and/or the National Ocean Council, including the Council on Environmental Quality or the Office of Scientific and Technology Policy, related to implementation of the National Ocean Policy;
- 4) The name, title, office, dates, and grade of any NOAA employees who have served on a detail or temporary assignment to the White House, the National Ocean Council, or any participating agencies under the Intergovernmental Personnel Act or other authority to work on any aspect of the National Ocean Policy, marine spatial planning, or final implementation plan;
- 5) Copies of all emails and other documents concerning meetings, agendas, briefing materials, minutes, as well as authorizations, payments, and reimbursements for travel, for meetings of any Regional Planning Bodies established under the National Ocean Policy attended by an employee of NOAA, including the Northeast Regional Planning Body for which NOAA is responsible;
- 6) Copies of all emails and other documents concerning meetings, agendas, briefing materials, minutes, as well as authorizations, payments, and reimbursements for travel, for meetings of any regional ocean planning or marine spatial planning workshop or other meeting attended by an employee of NOAA; and
- 7) The Unified Agenda of Regulatory and Deregulatory Actions released by the Office of Management and Budget in July 2013 identifies numerous regulatory and policy actions NOAA is planning that could regulate the use of oceans, coasts, and inland areas and be impacted by the National Ocean Policy. For the following actions, please explain how each will be used to implement any aspect of the National Ocean Policy and how the directives of the National Ocean Policy will influence the action:
  - a. Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico (RIN: 0648-AS65)
  - b. American Lobster Fishery; Fishing Effort Control Measures to Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission (RIN: 0648-AT31)

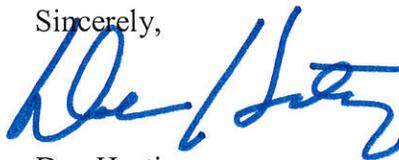
- c. Reducing Disturbances to Hawaiian Spinner Dolphins from Human Interactions (RIN: 0648-AU02)
- d. High Seas Fishing Compliance Act; Amendment of Regulations (RIN: 0648-AV12)
- e. Marine Mammal Protection Act Permit Regulation Revisions (RIN: 0648-AV82)
- f. Capital Construction Fund; Fishing Vessel Capital Construction Fund Procedures (RIN: 0648-AW57)
- g. Trade Monitoring Procedures for Fishery Products (RIN: 0648-AX63)
- h. Revisions to Permit Regulations for Federal Fisheries Permits and Federal Processor Permits in Alaska (RIN: 0648-AX78)
- i. Designation of Critical Habitat for the North Atlantic Right Whale (RIN: 0648-AY54)
- j. Western and Central Pacific Fisheries for Highly Migratory Species; Restrictions on Fishing in Proximity to Data Buoys (RIN: 0648-BA84)
- k. Fishing Vessel, Fishing Facility, and Individual Fishing Quota Lending Program Regulations (RIN: 0648-BB11)
- l. Amendment and Updates to the Bottlenose Dolphin Take Reduction Plan (RIN: 0648-BB37)
- m. Implementation of the Shark Conservation Act of 2010 (RIN: 0648-BB54)
- n. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; High Seas Transshipment Prohibitions (RIN: 0648-BB64)
- o. Address Harbor Seal Disturbance at Glacial Sites in Alaska (RIN: 0648-BB71)
- p. Listing Endangered and Threatened Species and Designating Critical Habitat; Implementing Changes to the Regulations for Designating Critical Habitat (RIN: 0648-BB79)
- q. Interagency Cooperation – Endangered Species Act of 1973, as Amended; Definition of Destruction or Adverse Modification of Critical Habitat (RIN: 0648-BB80)
- r. Interagency Cooperation – Endangered Species Act of 1973, as Amended; Incidental Take Statements (RIN: 0648-BB81)
- s. Draft Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act (ESA) (RIN: 0648-BB82)
- t. Amendments to Implement the Internationally Agreed Requirements of the Antarctic Marine Living Resources Convention Act (RIN: 0648-BB86)
- u. Framework Action to Set the Annual Catch Limit for Vermilion and Yellowtail Snapper, and Modify the Bag Limit for Vermilion Snapper (RIN: 0648-BC51) 4
- v. Billfish Conservation Act of 2012 Implementation (RIN: 0648-BC86)
- w. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Catch Limit in Longline Fisheries for 2013 and 2014 (RIN: 0648-BC88)
- x. Amending the Atlantic Large Whale Take Reduction Plan (RIN: 0648-BC90)
- y. Inner Limit of the Exclusive Economic Zone under the Magnuson-Stevens Fishery Conservation and Management Act (RIN: 0648-BC92)
- z. Allowing Northeast Multispecies Sector Vessels Access to Year Round Closed Areas (RIN: 0648-BD09)

- aa. Revision to Regulatory Requirements for the Subsistence Taking of Northern Fur Seals on St. George, Alaska (RIN: 0648-BD12)
- bb. U.S. Integrated Ocean Observing System; Guidelines to Certify and Integrate Non-Federal Assets (RIN: 0648-BC18)
- cc. Changes to the Coastal Zone Management Act Program Change Procedures (RIN: 0648-AW74)
- dd. Licensing of Private Land Remote-Sensing Space Systems (RIN: 0648-BA15)
- ee. Expansion of Thunder Bay National Marine Sanctuary (RIN: 0648-BC94)
- ff. Modifying the Overflight Zone in Olympic Coast National Marine Sanctuary (RIN: 0648-BD06)
- gg. Boundary Expansion of Cordell Bank and Gulf of the Farallones National Marine Sanctuaries (RIN: 0648-BD18)
- hh. Revisions of Boundaries for the Monterey Bay National Marine Sanctuary (RIN: 0648-BD19)
- ii. Re-establishing the Sanctuary Nomination Process (RIN: 0648-BD20)
- jj. Resource Agency Hearings and Alternatives Development Procedures in Hydropower Licenses (RIN: 0648-AU01)
- kk. Scientific and Statistical Committees; Peer Review; National Standard Guidelines (RIN: 0648-AW62)
- ll. Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Operation of Offshore Oil and Gas Facilities in the U.S. Beaufort Sea (RIN: 0648-AY63)
- mm. Emergency Rule to Close a Portion of Federal Waters in the Gulf of Mexico in Response to the Deepwater Horizon Oil Spill (RIN: 0648-AY87)
- nn. Emergency Action to Close Portions of Federal Waters in the Gulf of Mexico to Fishing Activities in Response to the Deepwater Horizon Oil Spill (RIN: 0648-AY90)
- oo. Final Policy Interpreting the Phrase 'significant portion of its range' in the Endangered Species Act's Definitions (RIN: 0648-BA78)
- pp. Revision of Hawaiian Monk Seal Critical Habitat (RIN: 0648-BA81)
- qq. Fisheries in the Western Pacific; Marianas Trench Marine National Monument, Pacific Remote Islands Marine National Monument, Rose Atoll Marine National Monument (RIN: 0648-BA98)
- rr. Eliminate the Expiration Date Contained in the Final Rule to Reduce the Threat of Ship Collisions with North Atlantic Right Whales (RIN: 0648-BB20)
- ss. Endangered and Threatened Species: Designation of Critical Habitat for Threatened Lower Columbia River Coho Salmon and Puget Sound Steelhead (RIN: 0648-BB30)
- tt. 12-Month Finding on Petitions to Remove the Eastern Distinct Population Segment of the Steller Sea Lion from the Federal List of Endangered and Threatened Wildlife; Rule to De-list (RIN: 0648-BB41)
- uu. Implement a Reorganization of 50 CFR 622 Regulations for the Fisheries of the Caribbean, Gulf of Mexico, and the South Atlantic (RIN: 0648-BB70)
- vv. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Catch Limit in Longline Fishery for 2012 (RIN: 0648-BC14)

- ww. Revisions to the Regulations for Impact Analyses of Critical Habitat (RIN: 0648-BC24)
- xx. Atlantic Highly Migratory Species (HMS); North Atlantic Swordfish Management Measures (RIN: 0648-BC31)
- yy. Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Specifications and Management Measures and FMP Amendment 21-1 (RIN: 0648-BC35)
- zz. Management Measures for Pacific Bluefin Tuna in the Eastern Pacific Ocean (RIN: 0648-BC44)
- aaa. Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Training and Testing Activities in the Hawaii-Southern California Training and Testing Study Area (RIN: 0648-BC52)
- bbb. Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Training and Testing Activities in the Atlantic Fleet Training and Testing Study Area (RIN: 0648-BC53)
- ccc. Endangered and Threatened Species: Designation of a Nonessential Experimental Population of Central Valley Spring-run Chinook Salmon below Friant Dam in the San Joaquin River, CA (RIN: 0648-BC68)
- ddd. Pacific Halibut Fisheries; Catch Sharing Plan (RIN: 0648-BC75)
- eee. Emergency Rule to Establish Recreational Closure Authority Specific to Federal Waters off Individual States for the Red Snapper Component of the Reef Fish Fishery (RIN: 0648-BD00)
- fff. Regulatory Review and Update of National Marine Sanctuary Program Regulations (RIN: 0648-AV85)

Enclosed are instructions and definitions for complying with this request. Please have your staff contact Byron R. Brown in the Office of Oversight and Investigations at (202) 225-2761 with any questions regarding this request, or to make arrangements for the production of the requested material.

Sincerely,



Doc Hastings  
Chairman

Enclosure

## Responding to Committee Document Requests

### A. Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, recorded notes, letters, notices, confirmations, receipts, checks, envelopes, presentations, pamphlets, brochures, interoffice and intra office communications, electronic mails (e-mails), instant message, notations of any type of conversation, telephone call, voice mail, phone mail, meeting or other communication, diaries, analyses, summaries, messages, correspondence, circulars, opinions, work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and electronic, mechanical, and electric records or representations of any kind, and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, e-mail, discussions, releases, personal delivery, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this document request. The singular includes the plural. The masculine includes the feminine.
4. As used herein, “referring” or “relating” means and includes “constituting,” “pertaining,” “evidencing,” “reflecting,” “describing,” or “having anything to do with,” and in each instance, directly or indirectly. These terms mean, without limitation, any reference or relationship which either (a) provides information with respect to the subject of the inquiry, or (b) might lead to individuals who, or documents which, might possess or contain information with respect to the subject of the inquiry.

### B. Instructions

1. In complying with this document request, you are required to produce all responsive documents, materials, or items that are in your possession, custody, or control, whether held by you or your past or present agents, employees, representatives, subsidiaries, affiliates, divisions, partnerships, and departments acting on your behalf. You are also required to produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. No records, documents, data or information called for by this request shall be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization, or individual denoted in this document request has been, or is also known by any other name than that herein denoted, the document request shall be read also to include them under that alternative identification.
3. Each document produced shall be produced in a form that renders that document capable of being printed or copied.
4. Documents produced in response to this document request shall be produced together with copies of file labels, dividers, envelopes, or identifying markers with which they were associated when this document request was served. Documents produced to this document request shall also identify to which paragraph from the document request such documents are responsive. Moreover, please include with your response, an index identifying each record and label (preferably by bates stamping) the documents. The Committee prefers, if possible, to receive all documents in electronic format.
5. It shall not be a basis for refusal to produce documents that any other person or entity also possesses documents that are non-identical or identical copies of the same document.
6. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or computer back-up tape), state the form in which it is available and provide sufficient detail to allow the information to be copied to a readable format. If the information requested is stored in a computer, indicate whether you have an existing program that will print the records in a readable form.
7. If compliance with the document request cannot be made in full, compliance shall be made to the extent possible and shall include a written explanation of why full compliance is not possible.
8. In the event that a document is withheld, in whole or in part, based on a claim of privilege, provide the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter of the document; (d) the date, author, and any recipients; and (e) the relationship of the author and recipients to each other. Claims of privileges are considered under Committee on Natural Resources Rule 4(h) and, similar to all common-law privileges, are recognized only at the discretion of the Committee.
9. If any document responsive to this document request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
10. If a date or other descriptive detail set forth in this document request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.

11. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon location or discovery subsequent thereto.

12. Production materials should be delivered to:

Committee on Natural Resources  
U.S. House of Representatives  
1324 Longworth House Office Building  
Washington D.C. 20515